

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2650 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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SOUTH GUJARAT UNIVERSITY                      NONTEACHING STAFF ASSO.

Versus

STATE OF GUJARAT  
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Appearance:

MR VM TRIVEDI for Petitioner  
MR SAMIR J DAVE for Respondent No. 1  
MR RR MARSHALL for Respondent No. 2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/12/2000

ORAL JUDGEMENT

1. This petition is directed by the South Gujarat University Nonteaching Staff Association and it is praying for a writ of mandamus to the respondent to pay to the members of the Association, double wages for the

strike period.

2. The State of Gujarat has given incentives to those employees who attended their duties during the strike period. Payment of double wages is decided to be given to this category of employees. However, 50% amount thereof to be kept deposited in General Provident Fund Account.

3. Leaving apart all other questions raised by the petitioner, I fail to see how this petition by the Association is maintainable. The petitioner Association if it considers to raise such a dispute it can raise the same by filing reference (industrial dispute). Under Article 226 of the Constitution of India, only legal or fundamental rights of the individual employees can be enforced and not of Association. In this case none of the legal or fundamental rights of the Association is infringed and this petition is dismissed only on this ground. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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